

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



25-2411

J.D.G.H.
#6

re Application of:
Jay French, Roy Janson
Serial No. 08,432,280
Filed: 5/01/95
For: HYDROTHERAPY AND EXERCISE
DEVICE WITH INTEGRATED LIFT
AND TREADMILL MEANS

Group Art Unit: 3302
Examiner: Reichard, L.

RECEIVED
AUG 15 1996

GR. 330

Box DAC
Commissioner of Patents and Trademarks
Washington, D.C. 20231

PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)

Dear Sir:

Applicants' attorney respectfully petitions the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137 on the ground that as to the applicant, the abandonment of the above-identified application was completely unintentional and without authorization. This Petition is supported by the Declaration of the undersigned attached. The undersigned mistakenly had calendared an extra 30 days and had intended to file a response by the deadline the applicant had calendared, Monday, July 22, 1996, and in fact had been working preparing the response the weekend before. Applicant coincidentally received the Notice of Abandonment on that Monday, July 22, 1996. As a result, the Response is being submitted now with this Petition for Revival. It is submitted therefore that on

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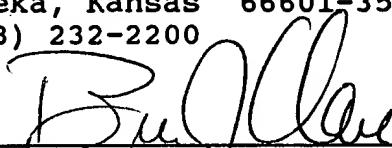
the basis described above the abandonment should be held to be unintentional and the enclosed Amendment and Remark should be entered and the case revived. The petition fee in the sum required under 37 C.F.R. 1.17(m) is enclosed herewith.

Respectfully submitted,

Date: 7/26/96

WRIGHT, HENSON, SOMERS, SEBELIUS,
CLARK & BAKER, LLP
Commerce Bank Building Downtown, 2nd Floor
100 E. 9th Street, P. O. Box 3555
Topeka, Kansas 66601-3555
(913) 232-2200

By



Bruce J. Clark, #31,339
Attorney for Applicant

Doc #100229

DECLARATION

The undersigned, Bruce J. Clark, states as follows:

1. I am a registered patent attorney, Registration No. 31,339.

2. I am responsible for the prosecution of the above-identified United States patent application

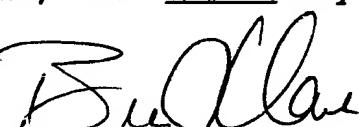
3. The final deadline response was calendared as Monday, July 22, 1996, instead of June 21, 1996.

4. In fact, the undersigned was about to file an Amendment and Response when we coincidentally received the Patent and Trademark Office's Notice of Abandonment.

5. The application was at no time intended to be abandoned and such abandonment was clearly unintended.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Topeka, Kansas, this 26th day of July, 1996.



Bruce J. Clark
100 E. 9th Street, P. O. Box 3555
Topeka, Kansas 66601-3555
(913) 232-2200
Citizenship: U.S.A.

CERTIFICATE OF MAILING

I hereby certify that this Petition To Revive Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b), with attached Declaration and filing fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box DAC
Commissioner of Patents and Trademarks
Washington, D.C. 20231

on July 26, 1996.

WRIGHT, HENSON, SOMERS, SEBELIUS,
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Date: 7/26/96

By Bruce J. Clark
Bruce J. Clark
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Doc #100320